

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 322

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHUMAKE.

0715H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 43.535 and 43.543, RSMo, and to enact in lieu thereof two new sections relating to criminal background checks, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 43.535 and 43.543, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 43.535 and 43.543, to read as follows:

43.535. 1. [Law enforcement agencies within the state of Missouri may perform a Missouri criminal record review for only open records through the MULES system for the purpose of hiring of municipal or county governmental employees. For each request, other than those related to the administration of criminal justice, the requesting entity shall pay a fee to the central repository, pursuant to section 43.530. For purposes of this section, "requesting entity" shall not be the law enforcement agency unless the request is made by the law enforcement agency for purposes of hiring law enforcement personnel.

2.] Municipalities [and] , counties, **and other political subdivisions** may, by local or county ordinance **or political subdivision policy, rule, or regulation**, require the fingerprinting of applicants or licensees in specified occupations for the purpose of receiving criminal history record information by local [or] , county , **or other political subdivision** officials. A copy of the ordinance [must] , **policy, rule, or regulation shall** be forwarded for approval to the Missouri state highway patrol prior to the submission of fingerprints to the central repository. The local or county law enforcement agency, **or for a political subdivision the county law enforcement agency**, shall submit a set of fingerprints of the applicant or licensee, accompanied with the appropriate fees, to the central repository for the purpose of checking the person's

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 criminal history. The set of fingerprints shall be used to search the Missouri criminal records  
18 repository and shall be submitted to the Federal Bureau of Investigation to be used for searching  
19 the federal criminal history files if necessary. The fingerprints shall be submitted on forms and  
20 in the manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions  
21 of section 610.120, all records related to any criminal history information discovered shall be  
22 accessible and available to the municipal [or] , county, **or political subdivision** officials making  
23 the record request.

24 [3.] 2. All criminal record check information shall be confidential and any person who  
25 discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

43.543. Any state agency listed in section 621.045, the division of professional  
2 registration of the department of insurance, financial institutions and professional registration,  
3 the department of social services, the supreme court of Missouri, the state courts administrator,  
4 the department of elementary and secondary education, the department of natural resources, the  
5 Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency  
6 which screens persons seeking employment with such agencies or issuance or renewal of a  
7 license, permit, certificate, or registration of authority from such agencies; or any state,  
8 municipal, [or] county agency or committee, **or political subdivision**, or state school of higher  
9 education which is authorized by state statute or executive order, or local or county ordinance  
10 **or political subdivision policy, rule, or regulation** to screen applicants or candidates seeking  
11 or considered for employment, assignment, contracting, or appointment to a position within state,  
12 municipal, or county government; or the Missouri peace officers standards and training, POST,  
13 commission which screens persons, not employed by a criminal justice agency, who seek  
14 enrollment or access into a certified POST training academy police school, or persons seeking  
15 a permit to purchase or possess a firearm for employment as a watchman, security personnel, or  
16 private investigator; or law enforcement agencies which screen persons seeking issuance or  
17 renewal of a license, permit, certificate, or registration to purchase or possess a firearm shall  
18 submit two sets of fingerprints to the Missouri state highway patrol, Missouri criminal records  
19 repository, for the purpose of checking the person's criminal history. The first set of fingerprints  
20 shall be used to search the Missouri criminal records repository and the second set shall be  
21 submitted to the Federal Bureau of Investigation to be used for searching the federal criminal  
22 history files if necessary. The fingerprints shall be submitted on forms and in the manner  
23 prescribed by the Missouri state highway patrol. Fees assessed for the searches shall be paid by  
24 the applicant or in the manner prescribed by the Missouri state highway patrol. Notwithstanding  
25 the provisions of section 610.120, all records related to any criminal history information  
26 discovered shall be accessible and available to the state, municipal, or county agency making the  
27 record request.

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